

## **Title 32: PROFESSIONS AND OCCUPATIONS**

### **Chapter 81: ALCOHOL AND DRUG COUNSELORS HEADING: RR 1997, c. 2, §55 (cor)**

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**Maine Revised Statutes**  
**Title 32: PROFESSIONS AND OCCUPATIONS**  
**Chapter 81: ALCOHOL AND DRUG**  
**COUNSELORS HEADING: RR 1997, c. 2, §55 (cor)**

**Subchapter 1: GENERAL PROVISIONS**

**§6201. STATE BOARD OF ALCOHOL AND DRUG COUNSELORS**

The State Board of Alcohol and Drug Counselors within the Department of Professional and Financial Regulation as established by Title 5, section 12004-A, subsection 41, shall carry out the purposes of this chapter. [1995, c. 394, §2 (AMD).]

**SECTION HISTORY**

1977, c. 466, §2 (NEW). 1983, c. 553, §46 (AMD). 1983, c. 812, §249 (AMD). 1987, c. 395, §A192 (AMD). 1989, c. 503, §B148 (AMD). 1995, c. 394, §2 (AMD).

**§6202. OBJECTIVE**

The objective of this legislation is to establish a State Board of Alcohol and Drug Counselors, which establishes and ensures high professional standards among alcohol and drug counselors and which encourages and promotes quality treatment and rehabilitation services for substance abusers. [1995, c. 394, §3 (AMD).]

**SECTION HISTORY**

1977, c. 466, §2 (NEW). 1987, c. 395, §A193 (AMD). 1995, c. 394, §3 (AMD).

**§6203. DEFINITIONS**

**(REPEALED)**

**SECTION HISTORY**

1977, c. 466, §2 (NEW). 1987, c. 395, §A194 (AMD). 1991, c. 456, §§2-8 (AMD). 1995, c. 394, §§4,5 (AMD). 2003, c. 347, §§1-4 (AMD). 2003, c. 347, §25 (AFF). 2003, c. 689, §B6 (REV). 2007, c. 402, Pt. U, §1 (RP).

**§6203-A. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 402, Pt. U, §2 (NEW).]

**1. Agency.** "Agency" means an establishment, organization or institution, public or private, that is licensed by the Department of Health and Human Services and that offers, purports to offer, maintains or operates one or more programs for the assessment, diagnosis, care, treatment or rehabilitation of individuals who are suffering physically, emotionally or psychologically from the abuse of alcohol or other drugs.

[ 2007, c. 402, Pt. U, §2 (NEW) .]

**2. Alcohol and drug counseling aide.** "Alcohol and drug counseling aide" means an individual who is licensed by the board to engage in an apprenticeship for the purpose of acquiring knowledge and experience in the performance of alcohol and drug counseling services, including but not limited to knowledge of ethical

standards. An alcohol and drug counseling aide may facilitate individual and direct group counseling or assume other facilitation duties under supervision and may supervise nonclinical activities. An alcohol and drug counseling aide may write treatment chart notations when the notations are cosigned by a certified clinical supervisor. All work performed must be under the supervision of a certified clinical supervisor. An alcohol and drug counseling aide may not engage in independent or private practice. All work associated with the apprenticeship may be conducted only in an agency.

[ 2007, c. 402, Pt. U, §2 (NEW) .]

**3. Alcohol and drug counseling services.** "Alcohol and drug counseling services" are those counseling services offered for a fee, monetary or otherwise, as part of the treatment and rehabilitation of persons abusing alcohol or other drugs. The purpose of alcohol and drug counseling services is to help individuals, families and groups confront and resolve problems caused by the abuse of alcohol or other drugs. Alcohol and drug counseling services are the 12 core functions defined by rule of the board. "Alcohol and drug counseling services" includes nicotine addiction counseling and treatment services.

[ 2011, c. 222, §1 (AMD) .]

**4. Board.** "Board" means the State Board of Alcohol and Drug Counselors.

[ 2007, c. 402, Pt. U, §2 (NEW) .]

**5. Certified alcohol and drug counselor.** "Certified alcohol and drug counselor" means an individual who provides individual or group alcohol and drug counseling services unaided and who meets the criteria established in section 6214-C. A certified alcohol and drug counselor may not engage in independent or private practice. All work performed must be under the supervision of a certified clinical supervisor within an agency.

[ 2007, c. 402, Pt. U, §2 (NEW) .]

**6. Certified clinical supervisor.** "Certified clinical supervisor" means an individual who is licensed by the board to provide supervision to individuals who provide alcohol and drug counseling services as required by this chapter. For the purposes of this subsection, "supervision" includes, but is not limited to, oversight of case record reviews, case management, development of counseling skills, education and treatment modalities, clinical supervision log maintenance and client treatment plans and activities.

[ 2007, c. 402, Pt. U, §2 (NEW) .]

**7. Consumer of alcohol and drug counseling services.** "Consumer of alcohol and drug counseling services" means a person affected by or recovering from alcoholism or other drug abuse.

[ 2007, c. 402, Pt. U, §2 (NEW) .]

**8. Inactive alcohol and drug counselor.** "Inactive alcohol and drug counselor" means a person who is licensed to provide alcohol and drug counseling services and who applies to the board for an inactive license under section 6219-B.

[ 2007, c. 402, Pt. U, §2 (NEW) .]

**9. Licensed alcohol and drug counselor.** "Licensed alcohol and drug counselor" means an individual who provides individual or group alcohol and drug counseling services independently within an agency or in private practice and who meets the criteria established in section 6214-D. A licensed alcohol and drug counselor may also assume clinical supervision duties upon being licensed by the board as a certified clinical supervisor.

[ 2007, c. 402, Pt. U, §2 (NEW) .]

#### SECTION HISTORY

2007, c. 402, Pt. U, §2 (NEW). 2011, c. 222, §1 (AMD).

## §6204. REPORTING

*(REPEALED)*

#### SECTION HISTORY

1977, c. 466, §2 (NEW). 1987, c. 395, §A195 (AMD). 1991, c. 456, §9 (AMD). 2007, c. 402, Pt. U, §3 (RP).

## §6205. LICENSING

A person may not, unless specifically exempted by this chapter, practice as an alcohol and drug counselor or begin an internship or profess to the public to be, or assume or use the title or designation of, "certified alcohol and drug counselor," "licensed alcohol and drug counselor" or "alcohol and drug counseling aide" or the abbreviation "C.A.D.C.," "L.A.D.C." or "A.D.C.A." or any other title, designation, words, letters or device tending to indicate that such a person is licensed, certified or registered, unless that person is licensed, certified or registered with and holds a current and valid license, certificate or registration from the board. Any person who violates this section is subject to the provisions of Title 10, section 8003-C. [ 2007, c. 402, Pt. U, §4 (AMD) .]

#### SECTION HISTORY

1977, c. 466, §2 (NEW). 1987, c. 395, §A196 (RPR). 1991, c. 456, §10 (AMD). 1991, c. 456, §36 (AFF). 1995, c. 394, §6 (AMD). 2003, c. 347, §5 (AMD). 2003, c. 347, §25 (AFF). 2007, c. 402, Pt. U, §4 (AMD).

## §6206. EXEMPTIONS

**1. Peer groups; self-help.** Nothing in this chapter may prevent any person from engaging in or offering substance abuse services such as self-help, sponsorship through alcoholics or narcotics anonymous groups or other uncompensated substance abuse assistance.

[ 1991, c. 456, §11 (NEW) .]

**2. Government and school employees.** Nothing in this chapter may be construed to apply to the activities and services of an employee or other agent of a recognized academic institution; a federal, state, county or local government institution, a program agency or facility; or a school committee, school district, school approved for attendance purposes pursuant to Title 20-A, section 2901, school board or board of trustees, if the individual is performing those activities solely within the agency or under the jurisdiction of that agency and if a license granted under this chapter is not a requirement for employment.

[ 1991, c. 456, §11 (NEW) .]

**3. Clergy.** Nothing in this chapter may be construed to apply to the activities and services of any priest, rabbi, member of the clergy, Christian Science healer, or minister of the gospel of any religious denomination when performing counseling services as part of religious duties and in connection with a specific synagogue or church of any religious denomination.

[ 1991, c. 456, §11 (NEW) .]

**4. Interns.** Nothing in this chapter may be construed to apply to the activities and services of a student, intern or trainee in substance abuse counseling pursuing a course of study in counseling in a regionally accredited institution of higher education or training institution, if these activities are performed under supervision and constitute a part of the supervised course of study.

[ 1991, c. 456, §11 (NEW) .]

**5. Other licensed professionals.** Nothing in this chapter may prevent any other licensed person in the field of medicine, psychology, nursing, social work or professional counseling who is qualified to provide substance abuse counseling services by virtue of the requirements for that profession from engaging in or offering substance abuse counseling services if such a person does not profess to be providing the service of a substance abuse counselor as the sole professional service rendered by that person. These professionals may not be required to obtain additional certification in order to provide substance abuse counseling services as permitted by this subsection.

[ 1993, c. 635, §1 (AMD) .]

**6. Nicotine addiction counseling.** Nothing in this chapter may be construed to require a person engaged in providing nicotine addiction counseling or treatment services to be licensed as an alcohol and drug counselor.

[ 2011, c. 222, §2 (NEW) .]

#### SECTION HISTORY

1977, c. 466, §2 (NEW). 1987, c. 395, §A197 (AMD). 1991, c. 456, §11 (RPR). 1993, c. 635, §1 (AMD). 2011, c. 222, §2 (AMD).

## §6207. REGISTRATION REQUIRED

*(REPEALED)*

#### SECTION HISTORY

1977, c. 466, §2 (NEW). 1987, c. 395, §A198 (RPR). 1991, c. 456, §12 (AMD). 1995, c. 394, §7 (AMD). 2003, c. 347, §25 (AFF). 2003, c. 347, §6 (RP).

## §6207-A. LICENSE REQUIRED

Unless exempted under section 6206, a person may not practice alcohol and drug counseling or begin an apprenticeship in this State unless that person has first obtained a license, certification or registration as provided in this chapter. [2003, c. 347, §7 (NEW); 2003, c. 347, §25 (AFF).]

#### SECTION HISTORY

2003, c. 347, §7 (NEW). 2003, c. 347, §25 (AFF).

## Subchapter 2: STATE BOARD OF ALCOHOL AND DRUG COUNSELORS HEADING: PL 1995, C. 394, §8 (RPR)

**§6208. APPOINTMENT; TERMS; VACANCIES***(REPEALED)*

## SECTION HISTORY

1977, c. 466, §2 (NEW). 1983, c. 413, §210 (RP).

**§6208-A. APPOINTMENT; TERMS; VACANCIES**

**1. Membership.** The State Board of Alcohol and Drug Counselors, as established by Title 5, section 12004-A, subsection 41, consists of 5 members appointed by the Governor. Of these 5 members, 4 members must be licensed alcohol and drug counselors and one member must be a public member as defined in Title 5, section 12004-A.

[ 2011, c. 286, Pt. H, §1 (AMD) .]

**2. Term of office.** Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009.

[ 2007, c. 402, Pt. U, §5 (AMD) .]

**3. Vacancy.**

[ 1993, c. 600, Pt. A, §257 (RP) .]

**4. Limitation.**

[ 1993, c. 600, Pt. A, §257 (RP) .]

## SECTION HISTORY

1983, c. 413, §211 (NEW). 1983, c. 812, §250 (AMD). 1987, c. 395, §A200 (AMD). 1989, c. 503, §B149 (AMD). 1989, c. 831, §1 (AMD). 1991, c. 456, §13 (AMD). 1993, c. 600, §§A256,257 (AMD). 1995, c. 394, §9 (AMD). 1997, c. 727, §C10 (AMD). 1999, c. 386, §R1 (AMD). 2007, c. 402, Pt. U, §5 (AMD). 2011, c. 286, Pt. H, §1 (AMD).

**§6209. REMOVAL OF BOARD MEMBERS**

A board member may be removed by the Governor for cause. [1983, c. 413, §212 (RPR) .]

## SECTION HISTORY

1977, c. 466, §2 (NEW). 1983, c. 413, §212 (RPR).

**§6210. MEETINGS; CHAIR**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. [2013, c. 246, Pt. B, §16 (AMD) .]

## SECTION HISTORY

1977, c. 466, §2 (NEW). 1983, c. 413, §213 (RPR). 1989, c. 831, §2 (AMD). 1991, c. 456, §14 (AMD). 2007, c. 402, Pt. U, §6 (AMD). 2009, c. 112, Pt. A, §12 (AMD). 2011, c. 691, Pt. D, §10 (AMD). 2013, c. 246, Pt. B, §16 (AMD).

**§6211. COMPENSATION***(REPEALED)*

## SECTION HISTORY

1977, c. 466, §2 (NEW). 1983, c. 812, §251 (AMD). 1995, c. 397, §80 (RP).

**§6212. POWERS AND DUTIES OF THE BOARD**

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter. [2007, c. 402, Pt. U, §7 (AMD).]

**1. Set standards.** The board shall administer and enforce this chapter, set forth education and examination standards and evaluate the qualifications for licensure. Any standards of eligibility set by the board must be clearly defined, measurable and written in accordance with accepted standards and available to the public upon request.

[ 1991, c. 456, §15 (AMD) .]

**2. Adopt criteria.** The board, in cooperation with the Department of Health and Human Services, may design, adopt or design and adopt an examination or other suitable criteria for establishing a candidate's knowledge, skill and experience in alcohol and drug counseling. Any criteria adopted by the board for establishing a candidate's knowledge, skill and experience in alcohol and drug counseling must be clearly defined, have an established baseline scoring procedure that is objectively measured, be in writing and be available to the public upon request.

[ 2011, c. 657, Pt. AA, §83 (AMD) .]

**3. Standards of practice.** The board may establish standards of practice for all persons practicing as alcohol and drug counselors who are working in the State. Any standards set by the board for practice for alcohol and drug counselors working in the State must be clearly defined, measurable and written in accordance with accepted standards and available to the public upon request. Educational background must be a consideration in any licensing standards adopted by the board.

[ 2007, c. 402, Pt. U, §7 (AMD) .]

**4. Rules.** The board may adopt such rules, including but not limited to rules regarding examinations; clinical supervision; and reasonable practice and education requirements for individuals licensed under this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2007, c. 402, Pt. U, §7 (AMD) .]

**4-A. Advisory committee.**

[ 1989, c. 831, §12 (RP) .]

**5. Contracts.**

[ 1995, c. 397, §81 (RP) .]

**6. Complaints.**

[ 2007, c. 402, Pt. U, §7 (RP) .]



**7. Hearings.**

[ 2007, c. 402, Pt. U, §7 (RP) .]

**8. Records.**

[ 2007, c. 402, Pt. U, §7 (RP) .]

**9. Code of ethics.** The board shall adopt a code of ethics generally in keeping with standards established by the national professional associations concerned with the areas of board responsibility.

[ 1991, c. 456, §20 (NEW) .]

**10. Issue licenses.**

[ 2007, c. 402, Pt. U, §7 (RP) .]

**11. Service provider reports.**

[ 2003, c. 347, §25 (AFF); 2003, c. 347, §9 (RP) .]

**12. Clinical supervision.** For purposes of direct clinical supervision of licensed practitioners in the field of alcohol and drug counseling, the board may certify upon receipt of an application and fee under section 6215 licensed psychologists, physicians, registered clinical nurse specialists, clinical professional counselors, clinical social workers and any other licensed or certified mental health professionals who are qualified to provide alcohol and drug counseling services by virtue of the requirements for that profession and who meet the requirements established by board rules.

[ 2007, c. 402, Pt. U, §7 (AMD) .]

**SECTION HISTORY**

1977, c. 466, §2 (NEW). 1983, c. 413, §§214-216 (AMD). 1987, c. 395, §A201 (AMD). 1989, c. 831, §§3-7,12 (AMD). 1991, c. 456, §§15-20 (AMD). 1995, c. 394, §§10-12 (AMD). 1995, c. 397, §81 (AMD). 1997, c. 210, §10 (AMD). 1999, c. 685, §17 (AMD). 2003, c. 347, §§8-10 (AMD). 2003, c. 347, §25 (AFF). 2007, c. 402, Pt. U, §7 (AMD). 2011, c. 657, Pt. AA, §83 (AMD).

**Subchapter 3: REGISTRATION AND LICENSURE****HEADING: PL 1987, C. 395, PT. A, §202 (RPR)****§6213. ELIGIBILITY REQUIREMENTS FOR PERSONS PROVIDING ALCOHOL AND DRUG COUNSELING**

**(REPEALED)**

**SECTION HISTORY**

1977, c. 466, §2 (NEW). 1981, c. 501, §80 (AMD). 1987, c. 395, §A203 (AMD). 1991, c. 456, §21 (AMD). 1995, c. 394, §13 (AMD). 2003, c. 347, §25 (AFF). 2003, c. 347, §11 (RP).

**§6213-A. ELIGIBILITY REQUIREMENTS FOR REGISTRATION**

**(REPEALED)**

**SECTION HISTORY**

1987, c. 395, §A204 (NEW). 1991, c. 456, §22 (AMD). 1991, c. 456, §36 (AFF). 1995, c. 394, §14 (AMD). 2003, c. 347, §25 (AFF). 2003, c. 347, §12 (RP).

## **§6213-B. ALCOHOL AND DRUG COUNSELING AIDE; QUALIFICATION FOR LICENSURE**

**1. Requirements.** The board shall issue a license to practice as an alcohol and drug counseling aide to an applicant who meets the following minimal requirements. An applicant must:

- A. Be at least 18 years of age; [2003, c. 347, §13 (NEW); 2003, c. 347, §25 (AFF).]
- B. Have a high school diploma or its equivalent; [2003, c. 347, §13 (NEW); 2003, c. 347, §25 (AFF).]
- C. Be employed at an agency; [2003, c. 347, §13 (NEW); 2003, c. 347, §25 (AFF).]
- D. Provide the name of the person who will be the applicant's certified clinical supervisor; and [2003, c. 347, §13 (NEW); 2003, c. 347, §25 (AFF).]
- E. Have paid an application and license fee under section 6215. [2007, c. 402, Pt. U, §8 (AMD).]

[ 2007, c. 402, Pt. U, §8 (AMD) .]

### SECTION HISTORY

2003, c. 347, §13 (NEW). 2003, c. 347, §25 (AFF). 2007, c. 402, Pt. U, §8 (AMD).

## **§6214. CERTIFICATE OF REGISTRATION**

*(REPEALED)*

### SECTION HISTORY

1977, c. 466, §2 (NEW). 1987, c. 395, §A205 (RP).

## **§6214-A. ELIGIBILITY REQUIREMENTS FOR QUALIFICATION AS A LICENSED ALCOHOL AND DRUG COUNSELOR**

*(REPEALED)*

### SECTION HISTORY

1987, c. 395, §A206 (NEW). 1991, c. 456, §23 (AMD). 1991, c. 456, §36 (AFF). 1995, c. 394, §§15-18 (AMD). 1995, c. 394, §28 (AFF). 1995, c. 625, §B12 (AMD). 1997, c. 210, §11 (AMD). 2003, c. 347, §25 (AFF). 2003, c. 347, §14 (RP).

## **§6214-B. APPLICATION**

*(REPEALED)*

### SECTION HISTORY

1987, c. 395, §A206 (NEW). 1991, c. 456, §§24,25 (AMD). 1995, c. 394, §19 (AMD). 2003, c. 347, §25 (AFF). 2003, c. 347, §15 (RP).

## **§6214-C. CERTIFIED ALCOHOL AND DRUG COUNSELOR; QUALIFICATION FOR CERTIFICATION**

**1. Eligibility.** To be eligible to practice as a certified alcohol and drug counselor, an applicant must:

A. Be at least 18 years of age; [2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF).]

B. Have taken and passed an examination as prescribed by board rule; [2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF).]

C. Have paid an application and certification fee as set under section 6215; and [2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF).]

D. Meet one of the following educational requirements:

(1) A high school diploma or its equivalent and a minimum of 4,000 hours of documented clinically supervised work experience as an alcohol and drug counseling aide consisting of at least 3 of the following alcohol and drug treatment functions:

(a) Clinical evaluation consisting of intake screening and differential assessment;

(b) Treatment planning, including initial, ongoing and discharge planning;

(c) Counseling of individuals, groups, couples or families;

(d) Case management. For purposes of this paragraph, "case management" means services that include, at a minimum, assessment of the needs of a client and the client's family, service planning, referral and linkage to other services, advocacy, monitoring and crisis management; or

(e) Client and family education; or

(2) At a minimum, course work as defined by board rule or an associate degree from an accredited college or university in behavioral sciences, addiction counseling or a related field as defined by board rule. [2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF).]

[ 2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF) .]

### SECTION HISTORY

2003, c. 347, §16 (NEW). 2003, c. 347, §25 (AFF).

## **§6214-D. LICENSED ALCOHOL AND DRUG COUNSELOR; QUALIFICATION FOR LICENSURE**

**1. Eligibility.** To be eligible to practice as a licensed alcohol and drug counselor, an applicant must:

A. Be at least 18 years of age; [2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF).]

B. Have taken and passed an examination as prescribed by board rule; [2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF).]

C. Have paid an application and license fee under section 6215; and [2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF).]

D. Meet one of the following educational requirements:

(1) A high school diploma or its equivalent, course work as defined by board rule and a minimum of 6,000 hours of documented supervised practice in alcohol and drug counseling or 2,000 hours if the applicant holds a valid certified alcohol and drug counselor certification;

(2) An associate or bachelor's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, course work as defined by board rule and a minimum of 4,000 hours of documented supervised practice in alcohol and drug counseling; or

(3) A master's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, course work as defined by board rule and a minimum of 2,000 hours of documented supervised practice in alcohol and drug counseling. [2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF).]

[ 2003, c. 347, §16 (NEW); 2003, c. 347, §25 (AFF) .]

#### SECTION HISTORY

2003, c. 347, §16 (NEW). 2003, c. 347, §25 (AFF).

### §6215. APPLICATION; FEES

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$200 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. U, §9 (AMD); 2011, c. 286, Pt. B, §5 (REV).]

#### SECTION HISTORY

1977, c. 466, §2 (NEW). 1983, c. 204, §12 (AMD). 1983, c. 413, §217 (RPR). 1987, c. 395, §A207 (RPR). 1989, c. 831, §8 (AMD). 1991, c. 456, §26 (AMD). 1995, c. 394, §20 (AMD). 1995, c. 502, §H38 (AMD). 1999, c. 386, §R2 (AMD). 1999, c. 685, §18 (AMD). 2003, c. 347, §17 (AMD). 2003, c. 347, §25 (AFF). 2007, c. 402, Pt. U, §9 (AMD). 2011, c. 286, Pt. B, §5 (REV).

### §6215-A. APPLICATION FOR LICENSURE

Applicants for licensure must submit the fee as set under section 6215. [2007, c. 402, Pt. U, §10 (NEW).]

#### SECTION HISTORY

2007, c. 402, Pt. U, §10 (NEW).

### §6216. EXAMINATIONS

The board shall prepare an examination to measure the competence of an applicant to engage in the practice of alcohol and drug counseling in accordance with this chapter. The board may employ and cooperate with any organization or consultant in the preparation, administration and grading of an examination. The board may adopt rules establishing examination criteria. Applicants for examination must pay an examination fee as set under section 6215. [2003, c. 347, §25 (AFF); 2003, c. 347, §18 (RPR).]

#### SECTION HISTORY

1977, c. 466, §2 (NEW). 1989, c. 831, §9 (RPR). 1991, c. 456, §27 (AMD). 1995, c. 394, §21 (AMD). 2003, c. 347, §25 (AFF). 2003, c. 347, §18 (RPR).

## Subchapter 4: SUSPENSION AND REVOCATION

**§6217. SUSPENSION AND REVOCATION****(REPEALED)**

## SECTION HISTORY

1977, c. 466, §2 (NEW). 1977, c. 694, §657 (RP).

**§6217-A. SUSPENSION AND REVOCATION****(REPEALED)**

## SECTION HISTORY

1977, c. 694, §658 (NEW). 1983, c. 413, §218 (RPR). 1987, c. 395, §§A208, A209 (AMD). 1991, c. 456, §§28-30 (AMD). 1995, c. 394, §§22-25 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2003, c. 347, §19 (AMD). 2003, c. 347, §25 (AFF). 2007, c. 402, Pt. U, §11 (RP).

**§6217-B. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION**

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [2007, c. 402, Pt. U, §12 (NEW).]

**1. Active abuse.** Active abuse of alcohol or any other drug that in the judgment of the board is detrimental to the performance or competency of a licensee of the board; or

[ 2007, c. 621, §9 (AMD) .]

**2. Mental incompetency.** A legal finding of mental incompetency.

[ 2007, c. 402, Pt. U, §12 (NEW) .]

## SECTION HISTORY

2007, c. 402, Pt. U, §12 (NEW). 2007, c. 621, §9 (AMD).

**§6218. ISSUANCE AFTER DENIAL, SUSPENSION OR REVOCATION**

Any individual whose license, certification or registration has been denied, suspended or revoked may apply to the board for licensure, registration or certification reinstatement one year after the date of the board's original action. A competency review is a condition of reinstatement. The board shall determine the nature of this review and shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 2-A. [2003, c. 347, §20 (AMD); 2003, c. 347, §25 (AFF).]

## SECTION HISTORY

1977, c. 466, §2 (NEW). 1977, c. 694, §659 (RPR). 1983, c. 413, §219 (RPR). 1987, c. 395, §A210 (AMD). 1991, c. 456, §31 (AMD). 2003, c. 347, §20 (AMD). 2003, c. 347, §25 (AFF).

**§6219. EXPIRATION AND RENEWAL**

All licenses issued pursuant to this chapter expire annually on November 30th or at such other time as the Commissioner of Professional and Financial Regulation may designate. Licensees must renew their licenses on or before November 30th annually or on such other date as determined by the commissioner by filing an application, completing any continuing education requirements established by board rule and paying the renewal fee as set under section 6215. [2007, c. 402, Pt. U, §13 (AMD).]

Licenses issued pursuant to this chapter may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 6215. Any person who submits an application for renewal more than 90 days after the renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if that renewal application is received, together with the late fee and renewal fee as set under section 6215, within 2 years from the date of that expiration or if the applicant is an inactive status alcohol and drug counselor. [2007, c. 402, Pt. U, §13 (AMD).]

#### SECTION HISTORY

1977, c. 466, §2 (NEW). 1983, c. 413, §220 (AMD). 1987, c. 395, §A211 (AMD). 1989, c. 831, §10 (AMD). 1991, c. 456, §32 (AMD). 1995, c. 394, §26 (AMD). 1999, c. 685, §19 (AMD). 2003, c. 347, §21 (AMD). 2003, c. 347, §25 (AFF). 2007, c. 402, Pt. U, §13 (AMD).

### §6219-A. CONTINUING EDUCATION

**1. Requirements.** The board may adopt continuing education requirements and approve programs and courses by rule. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[ 2003, c. 347, §22 (NEW); 2003, c. 347, §25 (AFF) .]

**2. Program approval.** Each application for approval of a continuing education program or course must be submitted according to the guidelines prescribed by rule, together with the required fee under section 6215. The fee is retained whether or not the application is approved.

[ 2003, c. 347, §22 (NEW); 2003, c. 347, §25 (AFF) .]

**3. Core requirement.** The board may establish a core educational requirement for each license type under this chapter.

[ 2003, c. 347, §22 (NEW); 2003, c. 347, §25 (AFF) .]

#### SECTION HISTORY

2003, c. 347, §22 (NEW). 2003, c. 347, §25 (AFF).

### §6219-B. INACTIVE STATUS LICENSE

**1. Placement on inactive status.** A licensee under this chapter who does not desire to perform any of the activities described in section 6203-A, subsections 2, 5, 6 and 9 and who wants to preserve the license while not engaged in any alcohol and drug counseling activity may apply for an inactive status license pursuant to Title 10, section 8003, subsection 5-A, paragraph D, subparagraph (5). The fee for inactive status licensure is set under section 6215. During inactive status, the licensee must renew the inactive license annually and pay the renewal fee as set under section 6215, but is not required to meet the continuing educational provisions of section 6219-A.

[ 2007, c. 402, Pt. U, §14 (AMD) .]

**2. Reinstatement to active status.** An inactive status licensee may apply for reinstatement to active status by paying the fee as set under section 6215, completing continuing education requirements as determined by board rule and submitting such additional information as the board may require. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[ 2007, c. 402, Pt. U, §14 (AMD) . ]

#### SECTION HISTORY

2003, c. 347, §22 (NEW). 2003, c. 347, §25 (AFF). 2007, c. 402, Pt. U, §14 (AMD).

## §6220. ENDORSEMENT

The board may waive the requirements of this chapter and grant a registration, certificate or license to any applicant who presents proof of authorization to practice by another jurisdiction of the United States or another country that maintains professional standards considered by the board to be substantially equivalent to or higher than those set forth in this chapter, as long as there is no cause for denial of a registration, certificate or license under section 6217-B or Title 10, section 8003, subsection 5-A, paragraph A. The applicant must pay the application and license fee as set under section 6215. [2007, c. 695, Pt. B, §14 (AMD) . ]

#### SECTION HISTORY

1977, c. 466, §2 (NEW). 1983, c. 413, §221 (AMD). 1991, c. 456, §33 (AMD). 2003, c. 347, §25 (AFF). 2003, c. 347, §23 (RPR). 2007, c. 695, Pt. B, §14 (AMD).

## §6221. TREATMENT OF MINORS

Any person licensed under this chapter who renders counseling services to a minor for the treatment of problems associated with the abuse of drugs or alcohol is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of that treatment. Nothing in this section may be construed so as to prohibit the licensed person rendering that treatment from informing that parent or guardian. For the purposes of this section "abuse of drugs" means the use of drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment. [1991, c. 509, §28 (AMD) . ]

#### SECTION HISTORY

1979, c. 96, §5 (NEW). 1991, c. 509, §28 (AMD).

## §6222. RECEIPTS AND DISBURSEMENTS

**(REPEALED)**

#### SECTION HISTORY

1985, c. 389, §25 (NEW). 1995, c. 397, §82 (RP).

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